

AMENDED IN SENATE JULY 1, 2005

AMENDED IN ASSEMBLY MAY 26, 2005

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AMENDED IN ASSEMBLY MARCH 2, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 23

Introduced by Assembly Member Liu
(Principal coauthors: ~~Assembly Members Daucher and Dymally~~
coauthor: *Assembly Member Karnette*)

December 6, 2004

~~An act to amend and repeal Sections 84750 and 84751 of, and to add Article 1 (commencing with Section 84700) to Chapter 5 of Part 50 of, the Education Code, relating to community college finance. An act to amend Section 52616.19 of, to add Section 52617 to, and to repeal Section 52616.23 of, the Education Code, relating to adult education, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, Liu. ~~Community college finance: funding priorities: distribution of funds to community college districts. Adult education finance.~~

(1) Existing law requires, to the extent funds available for specified adult education programs are in excess of the amount needed to fund the programs, the Superintendent of Public Instruction to use the excess funds for the development of criteria for identifying programmatic areas of adult education needing expansion.

This bill would delete that requirement.

(2) Existing law requires the Superintendent of Public Instruction to develop criteria to identify programmatic areas of adult education that are in need of expansion and affords a school district an opportunity to apply for additional units of adult education average daily attendance to meet needs in programmatic areas identified by the Superintendent.

This bill would repeal those provisions.

(3) Existing law requires the Superintendent of Public Instruction to determine an authorized limit of adult education average daily attendance for all high school districts and unified school districts that operated and claimed adult education state apportionments for the 1992-93 fiscal year. Existing law provides that for the 1996-97 fiscal year, and each fiscal year thereafter, a school district's adult education average daily attendance for apportionment purposes is its authorized adult education average daily attendance for the prior fiscal year multiplied by 1.025.

This bill would provide that, commencing in the 2005-06 fiscal year, and each fiscal year thereafter, the allocation of statewide authorized adult education average daily attendance shall be modified pursuant to a specified formula.

The bill would also make specified school districts ineligible for an authorized limit of adult education average daily attendance for apportionment purposes for the 2005-06 and 2006-07 fiscal years. The bill would declare that due to the unique situation of those school districts, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and a general statute is therefore necessary.

(4) *This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law establishes a system for the apportionment of state funding to community college districts. This system, known as program-based funding, is generally based on calculations related to the number of full-time equivalent students (FTES) in attendance at each district.~~

~~This bill would express the intent of the Legislature to replace the program-based distribution of funds to community college districts with a simple, more equitable method, and to implement, commencing~~

with the 2009-10 fiscal year, a funding model developed pursuant to the bill.

The bill would require that, effective no later than July 1, 2009, each district of the California Community Colleges receive a basic allocation to support the physical plant of the college and the number of campuses and centers operated by that district, followed by an equalization rate for all FTES enrollments. The bill would provide that this provision would take effect prior to July 1, 2009, if and when funding for the community colleges has been equalized throughout the state.

The bill would require the Department of Finance and the Legislative Analyst's Office, working collaboratively with representatives of the Chancellor's Office of the California Community Colleges, to jointly recommend the appropriate funding levels for community college full-time equivalent students prior to January 1, 2009.

The bill would, as of July 1, 2009, render inoperative the provisions that generally establish the framework for the existing system for the apportionment of state funding to community college districts. The bill would delete these provisions as of January 1, 2010.

Vote: majority $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52616.19 of the Education Code is
2 amended to read:

3 52616.19. (a) Commencing with the 1993-94 fiscal year, and
4 each fiscal year thereafter, the only funding available for
5 purposes of Sections 52616, 52616.16, 52616.17, and 52616.18
6 shall be the following:

7 (1) Funds that would have been apportioned for purposes of
8 Section 52616, as that section read on June 30, 1993.

9 (2) Funds that would have been apportioned for purposes of
10 concurrently enrolled average daily attendance pursuant to
11 Section 42238.5, as that section read on June 30, 1993.

12 (3) Funds that would have been available for purposes of adult
13 elementary and secondary independent study average daily
14 attendance pursuant to Section 46300.1, as that section read on
15 June 30, 1993.

1 (b) In the 1993-94 fiscal year, up to four million two hundred
2 fifty thousand dollars (\$4,250,000) shall be available for the start
3 up of new adult education programs pursuant to Section
4 52616.18. In the 1994-95 fiscal year, up to eight million five
5 hundred thousand dollars (\$8,500,000) shall be available for the
6 startup of new adult education programs and the continuation of
7 programs started and funded in the 1993-94 fiscal year. Four
8 million two hundred fifty thousand dollars (\$4,250,000) of that
9 amount shall only be available for new adult education programs
10 if there is no deficit applied pursuant to subdivision (c). It is the
11 intent of the Legislature that, commencing in the 1995-96 fiscal
12 year, those adult education programs started and funded in the
13 1993-94 and 1994-95 fiscal years shall continue to be funded.

14 (c) If the funds available pursuant to subdivision (a) are not
15 sufficient to fully fund Sections 52616, 52616.16, 52616.17, and
16 52616.18, the Superintendent of Public Instruction shall reduce
17 the adult education apportionment for each district that received
18 funding pursuant to Section 52616.16.

19 ~~(d) If the funds available pursuant to subdivision (a) exceed~~
20 ~~the amount needed to fund Sections 52616, 52616.16, 52616.17,~~
21 ~~and 52616.18, the Superintendent of Public Instruction shall use~~
22 ~~any excess funds for the purposes of Section 52616.23.~~

23 *SEC. 2. Section 52616.23 of the Education Code is repealed.*

24 ~~52616.23. The Superintendent of Public Instruction shall~~
25 ~~develop criteria to identify the programmatic areas of adult~~
26 ~~education that are in need of expansion. Each district shall be~~
27 ~~given an opportunity to apply for additional authorized units of~~
28 ~~adult education average daily attendance to meet any local needs~~
29 ~~in the identified adult education programs. Any adult education~~
30 ~~average daily attendance authorized by the superintendent shall~~
31 ~~result in a new authorized limit of adult education average daily~~
32 ~~attendance for the districts.~~

33 *SEC. 3. Section 52617 is added to the Education Code, to*
34 *read:*

35 *52617. (a) (1) Commencing in the 2005-06 fiscal year, and*
36 *each fiscal year thereafter, the Superintendent shall modify the*
37 *allocation of apportionments for adult education average daily*
38 *attendance pursuant to subdivision (d) of Section 52616.17 as*
39 *follows:*

1 (A) For a school district operating an adult education
2 program with fewer than 100 units of authorized adult education
3 average daily attendance, as determined pursuant to Section
4 52616.17, in the two prior fiscal years, and which served or
5 exceeded its adult education average daily attendance authorized
6 limit in the two prior fiscal years, the school district shall receive
7 up to 30 additional units of authorized adult education average
8 daily attendance made available after the Superintendent
9 performs the modification required by subparagraph (C). A
10 school district that receives additional units may not have more
11 than 100 total units. If available units are insufficient to provide
12 for this modification, the school district shall receive a prorated
13 amount, relative to the adult education average daily attendance
14 authorized limit of the school district.

15 (B) For a school district operating an adult education
16 program with 100 or more units of authorized adult education
17 average daily attendance, as determined pursuant to Section
18 52616.17, in the two prior fiscal years, and which served or
19 exceeded its adult education average daily attendance authorized
20 limit in the two prior fiscal years, the school district shall receive
21 a prorated amount of units available after the Superintendent
22 performs the modification required by subparagraph (A), relative
23 to the adult education average daily attendance authorized limit
24 of the school district.

25 (C) For a school district operating an adult education
26 program that failed to serve its adult education average daily
27 attendance authorized limit in the two prior fiscal years, the
28 authorized adult education average daily attendance of the
29 school district shall be reduced by an amount equal to one-half
30 of the lowest level of unearned adult education average daily
31 attendance in either of the two prior fiscal years. The
32 Superintendent shall notify a school district that its adult
33 education average daily attendance authorized limit will be
34 reduced pursuant to this paragraph.

35 (2) A modification performed pursuant to paragraph (1) shall
36 not result in adult education average daily attendance that
37 exceeds the amount provided for in the annual Budget Act.

38 (3) (A) A school district that receives additional units of
39 authorized adult education average daily attendance pursuant to
40 paragraph (1) shall offer a number of career technical education

1 *courses that conforms with the percentage of average daily*
2 *attendance of adults attending those courses in the prior three*
3 *fiscal years without regard to units of authorized adult education*
4 *average daily attendance added pursuant to paragraph (1).*

5 *(B) A school district shall use funds derived from a*
6 *modification performed pursuant to paragraph (1) for the*
7 *purpose of offering access to, or direct instruction in, career*
8 *technical education courses.*

9 *(C) "Career technical education courses" means those*
10 *included within the career and technical education curriculum*
11 *framework developed pursuant to Section 51226.1.*

12 *(b) (1) The following school districts are not eligible for the*
13 *calculation of average daily attendance, as specified in Section*
14 *52616.17, or for additional units of authorized adult education*
15 *average daily attendance pursuant to subdivision (a), for the*
16 *2005-06 fiscal year:*

17 *(A) Alhambra Unified School District.*

18 *(B) Azusa Unified School District.*

19 *(C) Banning Unified School District.*

20 *(D) East Side Union High School District.*

21 *(E) El Monte Union High School District.*

22 *(F) Grant Joint Union High School District.*

23 *(G) Madera Unified School District.*

24 *(H) Montebello Unified School District.*

25 *(I) Perris Union High School District.*

26 *(J) Santa Maria Joint Union High School District.*

27 *(K) Ventura Unified School District.*

28 *(2) The following school districts are not eligible for the*
29 *calculation of average daily attendance, as specified in Section*
30 *52616.17, or for additional units of authorized adult education*
31 *average daily attendance pursuant to subdivision (a), for the*
32 *2005-06 and 2006-07 fiscal years:*

33 *(A) Amador County Unified School District.*

34 *(B) Dublin Unified School District.*

35 *(C) Manteca Unified School District.*

36 *(D) Martinez Unified School District.*

37 *(E) Novato Unified School District.*

38 *(F) Oakdale Joint Unified School District.*

39 *(G) Pittsburg Unified School District.*

40 *(H) Salinas Union High School District.*

1 *(I) Baldwin Park Unified School District.*

2 *(3) (A) Notwithstanding paragraph (1) or (2), for the 2005-06*
3 *and 2006-07 fiscal years, a school district specified by*
4 *paragraph (1) or (2) is eligible for an increase in average daily*
5 *attendance equal to one-half of 1 percent for the purpose of the*
6 *creation of new average daily attendance within a new or*
7 *existing nursing preparation program.*

8 *(B) A school district that receives an increase pursuant to*
9 *subparagraph (A) shall maintain at least the amount of nursing*
10 *preparation average daily attendance that is equal to the average*
11 *daily attendance generated by the school district in nursing*
12 *preparation programs for the prior three fiscal years without*
13 *regard to the increase.*

14 *(4) It is the intent of the Legislature that this subdivision*
15 *resolves disputed claims for average daily attendance made for*
16 *the 1990-91 and 1991-92 fiscal years.*

17 *SEC. 4. Due to the unique circumstances concerning disputed*
18 *claims for average daily attendance made by the school districts*
19 *specified by Section 3 of this act, the Legislature finds and*
20 *declares that a general statute cannot be made applicable within*
21 *the meaning of Section 16 of Article IV of the California*
22 *Constitution.*

23 *SEC. 5. This act is an urgency statute necessary for the*
24 *immediate preservation of the public peace, health, or safety*
25 *within the meaning of Article IV of the Constitution and shall go*
26 *into immediate effect. The facts constituting the necessity are:*

27 *In order to implement funding formulas for authorized adult*
28 *education average daily attendance prescribed by this act in the*
29 *2005-06 fiscal year, it is necessary that this act take effect*
30 *immediately.*

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32
33 **All matter omitted in this version of the bill**
34 **appears in the bill as amended in Assembly,**
35 **May 26, 2005 (JR11)**
36